

AO 121 (6/90)

<b>TO:</b>  <b>Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559</b>	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT</b>
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION <input type="checkbox"/> APPEAL		COURT NAME AND LOCATION
DOCKET NO.	DATE FILED	
PLAINTIFF		DEFENDANT
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OR WORK</b>
1		
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED <input type="checkbox"/> Order <input type="checkbox"/> Judgment	WRITTEN OPINION ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE RENDERED
CLERK	(BY) DEPUTY CLERK	DATE

**DISTRIBUTION:**

1) Upon initiation of action,  
mail copy to Register of Copyrights

2) Upon filing of document adding copyright(s),  
mail copy to Register of Copyrights

3) Upon termination of action,  
mail copy to Register of Copyrights

4) In the event of an appeal, forward copy to Appellate Court

5) Case File Copy

Rayminh L. Ngo, Esq., NY Bar #rn4834  
ray@higbeeassociates.com  
HIGBEE & ASSOCIATES  
1504 Brookhollow Dr., Ste 112  
Santa Ana, CA 92705-5418  
(714) 617-8350  
(714) 597-6729 facsimile  
*Counsel for Plaintiff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER SADOWSKI,

Plaintiff

v.

PETER HIMLER and FLATIRON  
COMMUNICATIONS, LLC,

Defendant(s).

Case No. 2:15-CV-07028-MWF-E

**NOTICE OF VOLUNTARY  
DISMISSAL WITH PREJUDICE  
PURSUANT TO F.R.C.P. 41(a)(1)**

**PLEASE TAKE NOTICE** that Plaintiff Christopher Sadowski (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses this action *with prejudice*.

Defendant has neither answered Plaintiff’s Complaint nor filed a motion for summary judgment. Therefore, this matter may be dismissed without an Order of the Court.

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Dated: August 4, 2016

Respectfully submitted,

/s/ Rayminh L. Ngo  
Rayminh L. Ngo, Esq.  
NY Bar No. rn4834  
HIGBEE & ASSOCIATES  
1504 Brookhollow Dr., Ste 112  
Santa Ana, CA 92705-5418  
(714) 617-8350  
(714) 597-6729 facsimile  
*Counsel for Plaintiff*

**PROOF OF SERVICE**

I, the undersigned, say:

I am a citizen of the United States and I am a member of the Bar of this Court. I am over the age of 18 and not a party to the within action.

My business address is 1504 Brookhollow Dr., Ste 112, Santa Ana, California, 92705.

On August 4, 2016, I caused to be served the following document:

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO F.R.C.P. 41(a)(1)**

on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope as follows:

PETER HIMLER and FLATIRON COMMUNICATIONS, LLC.  
443 Dogwood Ln.,  
Manhasset, NY 11030

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by via the *CM/ECF* system. Participants in this case who are not registered with the *CM/ECF* system will be served by first-class mail or by other means permitted by the Court.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 4, 2016, at Santa Ana, California.

/s/ Rayminh L. Ngo  
Rayminh L. Ngo

Rayminh L. Ngo, Esq., NY Bar #rn4834  
ray@higbeeassociates.com  
HIGBEE & ASSOCIATES  
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(714) 617-8350  
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*Counsel for Plaintiff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER SADOWSKI,

Plaintiff

v.

PETER HIMLER and FLATIRON  
COMMUNICATIONS, LLC,

Defendant(s).

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FROM  
COPYRIGHT INFRINGEMENT**

Plaintiff, Christopher Sadowski, for his Complaint against Peter Himler and Flatiron Communications, LLC, Defendants, alleges as follows:

**INTRODUCTION**

1. Christopher Sadowski (hereinafter “Plaintiff”), by counsel, brings this action to challenge the actions of Peter Himler and Flatiron Communications, LLC (hereinafter “Defendants”), with regard to the

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unlawful use of copyrighted image (hereinafter “Image”) owned by Plaintiff, and this conduct caused Plaintiff damages.

2. For the purposes of this Complaint for Damages, unless otherwise indicated, “Defendants” include all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

### **JURISDICTION AND VENUE**

3. This is a civil action seeking damages and injunction relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the defendant violated plaintiff’s exclusive rights as copyright owner pursuant to 17 U.S.C. §§ 106 and 106A.

4. This Court has subject matter jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant, Peter Himler resides in the State of New York and Defendant has caused caused injury to Plaintiff in his intellectual property within the State of New York.

///

6. The Court has personal jurisdiction over Defendant, Flatiron Communications, LLC because Defendant's principal place of business is in the State of New York, Defendant is a business incorporated in the State of New York, Defendant's act of infringement complained of herein occurred in the State of New York, and Defendant has caused injury to Plaintiff in his intellectual property within the State of New York.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in this judicial district and a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendants reside, committed the acts of infringement, and have a regular and established place of business in this judicial district.

### **PARTIES**

7. Plaintiff is an individual who resides in the City of Clifton, in the State of New Jersey, and is a professional photographer by trade.

8. Plaintiff is a "copyright owner" who holds "exclusive rights" to his "copyrighted work[s]" pursuant to 17 U.S.C. §§ 101 and 106.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant, Flatiron Communications, LLC is a business entity operating

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from the City of New York, in the State of New York, and conducted business within the City of New York, in the State of New York.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant, Flatiron Communications, LLC is a business entity that unlawfully published Plaintiff's copyrighted works without Plaintiff's express or implied authority, by the method of a license.

11. Plaintiff is informed and believes, and thereon alleges, that Defendant, Peter Himler is an individual, who in his individual capacity, unlawfully published Plaintiff's copyrighted works without Plaintiff's express or implied authority, by the method of a license.

### **FACTUAL ALLEGATIONS**

12. At all times relevant, Plaintiff was an individual residing within the State of New Jersey.

13. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant, Flatiron Communications, LLC was a business entity residing in the State of New York and in this judicial district.

14. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant, Peter Himler was an individual residing in the State of New York and in this judicial district.



15. Plaintiff is a professional photographer. He sells or licenses images to people and companies seeking to make use of the photographs for advertisements and pecuniary gain. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

16. Plaintiff took the original Image; *see* Original Image attached hereto as Exhibit "A".

17. Plaintiff has ownership and copyrights to the Image.

18. Plaintiff has registered the Image with the United States Copyright Office under registration number VA 1-942-953.

19. Plaintiff did not consent to authorize, permit, allow in any manner the use of the Image by Defendants.

20. Plaintiff is informed and believes that Defendants' willfully used Plaintiff's copyrighted works without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique work of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

21. Plaintiff is informed and believes that Defendant Flatiron Communications, LLC willfully used the Image on its business website, <http://flatironcomm.com/ubers-parisien-predicament/> from November 19,

2015 to on or around January 27, 2016; *see* Screenshots of Defendants' use attached hereto as Exhibit "B".

22. Plaintiff is informed and believes that Defendant Peter Himler willfully used the Image on the website, Forbes.com from as early as June 25, 2015; *see* Screenshots of Defendants' use attached hereto as Exhibit "C".

23. Defendants willfully used the Image to promote the Defendants' business.

24. Plaintiff did not consent to the use of his Image for commercial gain.

### **FIRST CAUSE OF ACTION**

### **COPYRIGHT INFRINGEMENT**

#### **Title 17 of the United States Code Against Defendants**

25. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

26. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

27. Plaintiff is informed and believes and thereon alleges that said Defendants willfully infringed upon Plaintiff's copyrighted works in

violation of Title 17 of the U.S. Code, in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.

28. As a result of each and every Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

29. As a result of the Defendants' violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

30. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

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**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant

- Awarding statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c) from Defendant;
- Awarding costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505 from Defendant;
- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- Awarding any other relief the Court deems just and proper.

Dated: June 28, 2016

Respectfully submitted,

/s/ Rayminh L. Ngo  
Rayminh L. Ngo, Esq.  
NY Bar No. rn4834  
HIGBEE & ASSOCIATES  
1504 Brookhollow Dr., Ste 112  
Santa Ana, CA 92705-5418  
(714) 617-8350  
(714) 597-6729 facsimile  
*Counsel for Plaintiff*

**DEMAND FOR JURY TRIAL**

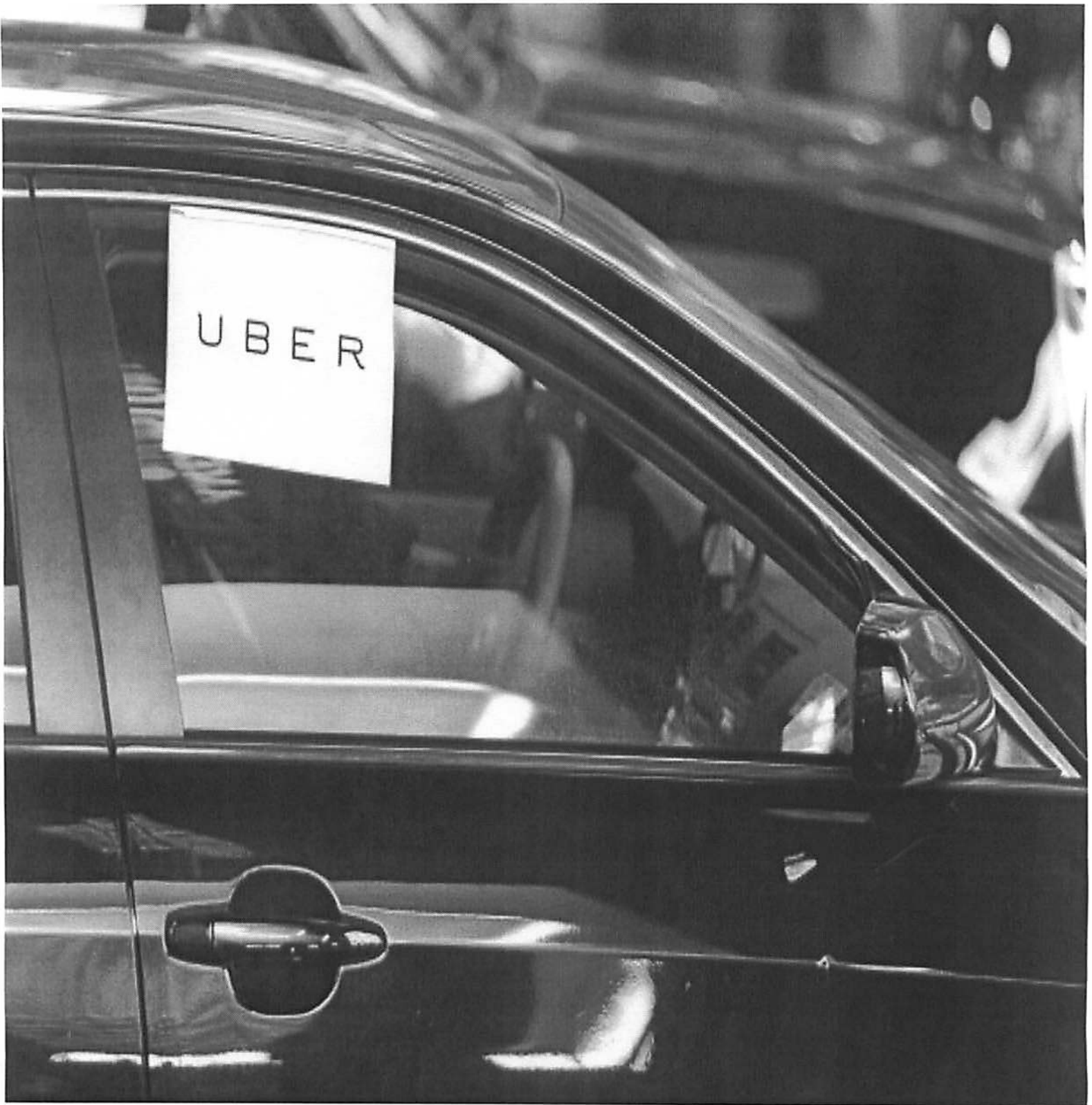
Plaintiff Christopher Sadowski, hereby demands a trial by jury in the  
above matter.

Dated: June 28, 2016

Respectfully submitted,

/s/ Rayminh L. Ngo  
Rayminh L. Ngo, Esq.  
NY Bar No. rn4834  
HIGBEE & ASSOCIATES  
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*Counsel for Plaintiff*

# **EXHIBIT A**



## **EXHIBIT B**





*rate in Sydney on Monday during an armed hostage crisis that upended the city's central business district. One Uber customer in Sydney described it to Mashable as "almost price gouging at its worst."*

An hour into its "price-gouging" down under, Uber saw the error in its ways and reversed course. Still, the damage was done. In the Bloomberg segment, I purposely chose not to completely castigate this remarkable company, mostly because I was not privy to the facts at the time the decisions were being made.



*An Uber car in NYC. (Photo/Christopher Sadowski)*

(PR pundits have an unfortunate tendency to second guess crisis managers without knowing the factors that informed the beleaguered company's actions.)

Still, I missed an opportunity to share with Bloomberg TV's Cory Johnson one observation that I believe continues to hamper Uber's expansionist aspirations to this day – a day when

Newspapers Getting Their Game On

Startups Shine At Web Summit

The Home of Guinness Gets Geeky

Threats Create Dilemma for SXSW Organizers

Type and press enter to search.

FOLLOW ME ON RebelMouse

#### Tweets

Follow

**Peter Feld**  
@peterfeld

1h

What a disgrace to NY that Ds  
@RepKathleenRice @RepSteveIsrael  
@RepSeanMaloney voted to slam door on  
#SyrianRefugees  
pic.twitter.com/xd93nOiYuV

Retweeted by Peter Himler

Coward's Name	Coward's Number	Coward's Twitter
Aguilar, Pete (CA)	202-225-3201	@RepPeteAguilar
Ashford, Brad (NE)	202-225-4135	@RepBradAshford
Berra, Amy (CA)	202-225-5716	@RepBerra
Bishop, Sanford D. (CA)	202-225-3631	@SanfordBishop
Brownley, Julia (CA)	202-225-5811	@JuliaBrownley26
Bustan, Cheri (IL)	202-225-5905	@RepCheri
Conroy, John (DE)	202-225-4165	@JohnConroyDE

125%

### The Flack

## Liber's Parisian Predicament

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 395–402

Some months back, I had seemed to accept in Brundage Court the role of a liberal. At the same time, I was in the midst of a deeply-reported, highly critical report in Sydney, Australia that Margaret Thatcher's government was up to its eyes in the

"The briefly introduced surge pricing up to four times the normal rate in Sydney on Monday during an armed hostage crisis that opened the city's central business district. One Uber customer in Sydney described it to Mashable as "almost price gouging at its worst."

In their efforts to "price-gouge" their critics, they said the firm in its only commercial venture, L&L, the debtors was alone. In the Bloomberg segment, I pointed out that not a single company, not even the most reputable company, merely because it was not going to the tactic at the time the decisions were being made.



Anbieter per e-Mail: [info@pasta-champagner.de](mailto:info@pasta-champagner.de)

**Schwartz**

IFK handles type as polymorphic  
temporarily to control guest time  
managers without violating the contract that informed the helicopter company's actions

Still, I missed an opportunity to share with Bloomberg TV's Cory Johnson one observation that I believe contributes to Harvard's reputation as a place to study in a city where hundreds of test drivers in their look for the stream, overrunning cars and waiting their to just drive in their city.

From *Mythbuster's* Megan, Spectra's post "Threats to Fish growing: Two stories for cars & a recent lake cleanup"



and public engagement in patients in Paris when French test directly overturned ours and set the in line in protest against our approach (see table 1).

A protest by French taxi drivers turned violent in Paris on Thursday as hundreds of drivers blocked access to major roads and airports. The demonstration was against the spread of Uber in the city and was part of a planned, nationwide protest against the popular app, specifically against the lawsuit Uber filed against the taxi drivers.

Getting back to Bloomberg TV's request to tell about the uranium value a corporate decision not have as a consultant either (and publisher) hours later a few other executive companies chose to publicly position themselves early on.

- **Google:** "Don't be evil" notwithstanding, Google's stated mission is "to organize the world's information and make it universally accessible and useful".
- **Facebook:** "Connect the World". For almost two years Facebook has been "on a mission to bring the world more open and connected". Today it has more than 200 million people worldwide and is now offering itself as a platform for the next Web 2.0, anything in the next decade of our existence to connect the vast majority of people in the world with different means to the internet.
- **Twitter:** "Information, instantly" - the message: "To give everyone the power to publish and more closely and intelligently connect, without borders."

If one were to think about Jalen's output  
inches, it could easily be said that he  
would be

\* *Other:* Your attorney, except during the public consultation.



I'm not saying that a more humane corporate mission would have prevented the problems in Peru or the reluctance by many municipalities to embrace the development of the new market economy. But I think I can

This journal published an irregular frequency between 1912 and 1914. It is now published twice a year.

"Uber's made a name for itself by bringing into cities and forcing politicians to respond. The company has since expanded to take on lower-cost taxi service in more than 300 cities across six continents, ballooning to a \$20 billion valuation."

For the VCE who backed Elton and stand to prosper by how when the company goes public, a prospect focused on future earnings, the growth and division metrics are what seem to matter most. For the more numbers-obsessed, but still value-driven, I'm not as sure. Elton may stop leading and start greedily using control of the corporation if a huge increase in the stock price is made to boost income.

They may have first-mover status, but these are competitors, e.g. Lyft, Via, Gett – who collaborate with highly mobile and sharp riders. Maybe the time for the taxi industry segment did come right. Uber Needs to be more sensitive.

1998



Lecturer in Sociology

**Name (last, first):**

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**Abstract**

1999

- 11. Notify use of follow-up contracts by email
- 12. Notify use of new profile by email



## **EXHIBIT C**

WHP Document 12 Filed

**Peter Hünler**, [mhuenler@uni-wuerzburg.de](#)  
 0000-0001-8322-8322 working on the role of a selected B-cell Ig  
 177.104.10.100:8080  
 w f d a p

Some months back, I was asked to appear on *Demotix*. Went to talk about Uber's PR straightjacket as the wake of a widely-reported, highly critical incident in Sydney, Australia that Mozilla's Seth Fiegerman assumed as follows:

26. "They briefly introduced us, going up to four times the normal rate in Sydney on Monday during an actual hostage crisis that spanned the city's central business district. One Uber customer in Sydney described it to Mashable as follows: 'an increase of 400% in the price.'"

An hour into its "price-gouging" down under, the saw the error in its ways and reversed course. Still, the damage was done.

In the Ekmanberg segment, I purposely chose not to completely castigate this remarkable company, mostly because I was not privy to the facts at the time the decisions were being made. (PE penalties have an unfortunate tendency to second-guess cross managers without knowing the factors that informed the beleaguered company's actions.)



© 2006 by John Wiley & Sons, Inc.

Still, I missed an opportunity to share with Bloomberg TV's *Gary Johnson* one observation that I believe continues to hamper U.S.'s environmental aspirations to this day—a day when hundreds of tag detectors in Paris took to the streets overturning cars and setting fires to protest U.S. in that city. From *Stashable Mega Species* in her piece "Threats to Paris' Stashable Mega Species" on *Wired*, she writes: "The United States is the only country in the world that has not signed the Paris Agreement." This is a sad state of affairs.



But police responded to pressure from Florida's Forest and Game Warden's office and on the 11th, a patrol car arrived from the state capital.

Recommended by Forbes



10. "A protest by French taxi drivers turned violent in Paris on Thursday as hundreds of drivers blocked access to major roadways and airports. The demonstration was against the spread of Uber in the city and was part of a planned, nationwide protest against the popular app, specifically against the latest trial "UberPOP" service."

Getting back to Bloomberg TV, I neglected to talk about the long-term value a corporate mission can have as a reputation driver (and protector). Here's how a few other innovative companies chose to publicly position themselves early on:

Google's "Don't be evil," notwithstanding, Google's stated mission is "to organize the world's information and make it universally accessible and useful."

**Facebook:** "Connect the World." For almost ten years, Facebook has been "on a mission to make the world more open and connected." Today it connects more than 1.25 billion people each month, and now is thinking about information naturally, without borders.

Over Windows



If you were to ponder Uber's corporate mission, it most likely would read as follows:

I'm not saying that a more noble corporate mission alone could have prevented the protests in Porto or the reluctance by many municipalities to embrace the embodiment of the new shining economy. But maybe I am. Still, as this just-published and wonderful

These just-published and insightful Economics Business issues raised "The is How i Her Takes Over a City" mystery.

“There’s made a name for itself by buying out others and leaving politicians to respond. The company has since risen across six continents, indicating to a lot below.”

For the VCs who backed Uber and stand to prosper big time when the company goes public, a valuation listed in *Fortune* yesterday, the growth and valuation metrics are what seems to matter most. For the other non-investor, but still vital publicist, I'm not so sure. You must stop searching and start pro-actively taking control of its reputation if it hopes to eliminate the potholes on its road to future.

They may have first-mover status, but there are competitors, e.g. L'Oréal, Vio, Getti... who consumers will happily embrace over sharp elbows. Maybe the tide on the Bloomberg West argument did have it right "User Needs to be More Scientific."

[Comment on this story](#)



- GPS Tracking Devices
- Mobile GPS Maps
- Last Minute Air Travel
- Best Travel Agents





because I was not privy to the facts at the time the decisions were being made. (PR pundits have an unfortunate tendency to second guess crisis managers without knowing the factors that informed the beleaguered company's actions.)



An Uber car in NYC. (Photo/Christopher Sadowski)

Still, I missed an opportunity to share with Bloomberg TV's Cory Johnson one observation that I believe continues to hamper Uber's expansionist aspirations to this day – a day when hundreds of taxi drivers in Paris took to the streets overturning cars and setting fires to protest Uber in that city. From Mashable Megan Specia in her piece "Chaos in

Forbes

1 TOP COMMENTS

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TRENDING

http://www.forbes.com/sites/peterhimler/2015/06/23/ubers-parousen-predicament/ The Potholes on Uber's Roa...

below

WE'RE CELEBRATING WITH YOUR FAVE MUSIC STARS ALL MONTH LONG!

MEGAN & LIZ

CARLY RAE JEPSEN 11/12

WE THE KINGS

SEE WHAT'S IN-STORE

macy's

125% 8:47 PM 11/11/2015